

PATENT
Atty. Dkt. No. WEAT/0532**REMARKS**

This is intended as a full and complete response to the Office Action dated March 31, 2006, having a shortened statutory period for response set to expire on June 30, 2006. Claims 40-65 are pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claim 46 as being anticipated by *Simpson*, U.S. 5,030,071. In response, Applicants have amended claim 46.

As amended, claim 46 includes a similar limitation as claim 48, which the Examiner has indicated as allowable on page 3 of the Office Action. Specifically, claim 46 includes the limitation of diverting fluids containing particles and/or solids through the second fluid pathway. *Simpson* does not disclose this limitation as admitted by the Examiner. Rather, *Simpson* merely discloses a tool having a rotor disposed in a chamber, whereby fluid introduced into the chamber causes a roller in the rotor to extend radially outward and subsequently causes the rotor to rotate relative to a housing of the tool. (See *Simpson*, col. 3, lines 22-36) As the foregoing illustrates, *Simpson* fails to teach or disclose all the limitations of claim 46. This failure precludes *Simpson* from anticipating claim 46. Therefore, Applicants respectfully request the 102(b) rejection of claim 46 be removed and allowance of the same. Additionally, claims 47, 49, and 50 depend on claim 46 and these claims are allowable for at least the same reasons as claim 46.

Allowable Subject Matter

The Examiner indicated that claims 40-45 are allowed. Applicants appreciate allowance of claims 40-45.

The Examiner objected to claims 47-50 as being dependent upon a rejected base claim. As set forth above, claim 46 has been amended to include a similar limitation as claim 48 and for the reasons discussed herein Applicants believe that claim 46 is in condition for allowance. Further, claims 47, 49, and 50 depend on claim 46 and these claims are allowable for at least the same reasons as claim 46.

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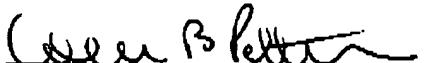
New Claims

New claims 66-88 have been added to claim aspects of the present invention. Applicants submit that no new matter has been added. Further, Applicants believe that the reference cited by the Examiner does not teach or show a tool comprising a housing having a shaped inner bore, a rotor having a plurality of extendable members disposed on the outer surface thereof, wherein the rotor is disposed in the shaped inner bore and the extendable members are configured to form a differential surface area between an outer surface of the rotor and the shaped inner bore upon extension of the members, a first fluid pathway through the tool, wherein the fluid pathway includes at least one inlet, at least one outlet and at least one chamber formed between the shaped inner bore and the rotor and a second fluid pathway through the tool, wherein the second fluid pathway is separate from the first fluid pathway, wherein the first fluid pathway and the second fluid pathway are configured such that fluids containing particles and/or solids are diverted through the second fluid pathway, as recited in new claims 74-88. Additionally, new claims 66-73 depend from allowable claim 40 and these claims are allowable for at least the same reasons as claim 40. For reasons set forth above, Applicants believe that new claims 66-88 are in condition for allowance and respectfully request the same.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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